

Order

Michigan Supreme Court
Lansing, Michigan

September 22, 2021

Bridget M. McCormack,
Chief Justice

162327

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162327
COA: 346559
Macomb CC: 2017-000895-FH

FRANK KING,
Defendant-Appellant.

By order of April 27, 2021, the prosecuting attorney was directed to answer the application for leave to appeal the October 15, 2020 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

We further ORDER the Macomb Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Gerald Ferry, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court.

The appellant shall file a supplemental brief within 42 days of the date of the order appointing counsel or by December 20, 2021 whichever is later, addressing: (1) whether the Court of Appeals erred in concluding that the trial court's failure to comply with the requirements of *People v Anderson*, 398 Mich 361 (1976) and MCR 6.005(D) did not warrant reversal; and (2) whether the standard of review for unpreserved constitutional errors set forth in *People v Carines*, 460 Mich 750, 764 (1999), should apply where a criminal defendant argues on appeal that his waiver of counsel was invalid. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

The Attorney General, the Criminal Defense Attorneys of Michigan, and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0915

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 22, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk